

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

MCI COMMUNICATIONS SERVICES,
INC.,

Plaintiff,

v.

W3 CONSTRUCTION, LLC, THOMPSON
GRADING, INC., and/or THOMPSON
GRADING, LLC,

Defendants,

and

W3 CONSTRUCTION, LLC,

Third Party Plaintiff,

v.

THOMPSON GRADING, INC., and/or
THOMPSON GRADING, LLC,

Third Party Defendant.

Civil Action No. 3:10-cv-00187

**W3 CONSTRUCTION, LLC'S ANSWER
TO PLAINTIFF'S AMENDED COMPLAINT**

Defendant, W3 Construction, LLC, answering plaintiff's amended complaint, alleges and says:

1. Defendant is without knowledge or information sufficient to justify a belief as to the truth of the allegations in paragraph 1 and the same are accordingly denied.
2. The allegations in paragraph 2 are admitted.
3. The allegations in paragraph 3 are admitted.

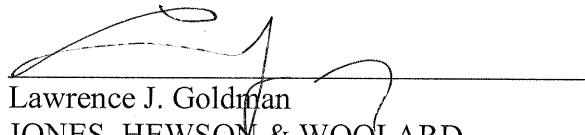
4. The allegations in paragraph 4 are admitted upon information and belief.
5. Answering the allegations in paragraph 5, it is admitted upon information and belief that diversity of citizenship exists. This defendant is without knowledge or information sufficient to justify a belief as to the truth of the remaining allegations in paragraph 5 and the same are accordingly denied.
6. The allegations in paragraph 6 are admitted.
7. Defendant is without knowledge or information sufficient to justify a belief as to the truth of the allegations in paragraph 7 and the same are accordingly denied.
8. Defendant is without knowledge or information sufficient to justify a belief as to the truth of the allegations in paragraph 8 and the same are accordingly denied.
9. Defendant realleges and incorporates by reference the allegations in paragraphs 1-8.
10. The allegations in paragraph 10 are denied.
11. The allegations in paragraph 11 are denied.
12. The allegations in paragraph 12 are denied.
13. The allegations in paragraph 13 are denied.
14. Defendant realleges and incorporates by reference the allegations in paragraphs 1-13.
15. The allegations in paragraph 15 do not appear to apply to this defendant. To the extent the allegations in paragraph 15 imply liability against this defendant, such allegations are denied.
16. The allegations in paragraph 16 are denied.
17. The allegations in paragraph 17 are denied.
18. The allegations in paragraph 18 are denied.
19. The allegations in paragraph 19 are denied.

20. The allegations in paragraph 20 are denied.

WHEREFORE, having fully answered plaintiff's amended complaint, defendant prays for the following:

1. That plaintiff's action be dismissed.
2. That the costs of this action be assessed against the plaintiff.
3. For trial by jury.
4. For the relief prayed for in this defendant's third party complaint.
5. For such other and further relief as may be deemed just and proper.

Respectfully submitted on this 25 day of August, 2010.




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CERTIFICATE OF SERVICE

I, Lawrence J. Goldman, hereby certify that the foregoing Answer to Plaintiff's Amended Complaint has been filed and served electronically on this the 25 day of August, 2010 upon all counsel of record and is available for viewing on the Court's ECF system.

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